



# 2017

## ANNUAL REPORT

VIRGINIA STATE CRIME COMMISSION





Patrick Henry Building • 1111 East Broad Street, Suite B036 • Richmond, Virginia 23219  
804-225-4534 • Fax: 804-786-7872 • <http://vscc.virginia.gov>

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Delegate Robert B. Bell, *Chairman*

Senator Mark D. Obenshain, *Vice-Chairman*

*Executive Director*  
Kristen J. Howard

June 29, 2018

TO: The Honorable Ralph S. Northam, Governor of Virginia  
The Honorable Members of the General Assembly of Virginia

Pursuant to the provisions of the Code of Virginia §§ 30-156 through 30-164 establishing the Virginia State Crime Commission and setting forth its purpose, please find attached herewith the Commission's 2017 Annual Report.

Very truly yours,

Robert B. Bell, Chairman



# 2017 Annual Report

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## Table of Contents

Authority of the Crime Commission ..... 2

Crime Commission Members ..... 3

Crime Commission Staff ..... 3

### Study Reports

Executive Summary of 2017 Activities ..... 4

Admissibility of Prior Inconsistent Statements ..... 6

Decriminalization of Possession of Marijuana ..... 22

DNA Databank: Expansion of Misdemeanor Crimes ..... 60

Pretrial Services Agencies .....111

### Project Updates

Asset Forfeiture ..... 145

Restitution ..... 148

## Authority of the Crime Commission

Established in 1966, the Virginia State Crime Commission is a legislative agency authorized by the Code of Virginia § 30-156 *et seq.* to study, report, and make recommendations on all areas of public safety and protection. In doing so, the Commission endeavors to ascertain the causes of crime and ways to reduce and prevent it, to explore and recommend methods of rehabilitation for convicted criminals, to study compensation of persons in law enforcement and related fields, and examine other related matters including apprehension, trial, and punishment of criminal offenders. The Commission makes such recommendations as it deems appropriate with respect to the foregoing matters, and coordinates the proposals and recommendations of all commissions and agencies as to legislation affecting crime, crime control, and public safety. The Commission cooperates with the executive branch of state government, the Attorney General's Office and the judiciary who are in turn encouraged to cooperate with the Commission. The Commission cooperates with governments and governmental agencies of other states and the United States. The Crime Commission is a criminal justice agency as defined in the Code of Virginia § 9.1-101.

The Crime Commission consists of thirteen members that include nine legislative members, three non-legislative citizen members, and the Attorney General, as follows: six members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; three members of the Senate to be appointed by the Senate Committee on Rules; three non-legislative citizen members to be appointed by the Governor; and the Attorney General or his designee.

## **Crime Commission Members**

### **HOUSE OF DELEGATES APPOINTMENTS**

The Honorable Robert B. Bell, Chairman  
The Honorable Richard L. Anderson  
The Honorable C. Todd Gilbert  
The Honorable Charniele L. Herring  
The Honorable Paul E. Krizek  
The Honorable G. Manoli Loupassi

### **SENATE APPOINTMENTS**

The Honorable Mark D. Obenshain, Vice-Chairman  
The Honorable Janet D. Howell  
The Honorable Thomas K. Norment, Jr.

### **ATTORNEY GENERAL**

Cynthia E. Hudson, Chief Deputy, Attorney General's Office,  
Designee for Attorney General Mark R. Herring

### **GOVERNOR'S APPOINTMENTS**

Kristine R. Hall, Citizen Appointee  
The Honorable Arthur Townsend Jr., Sheriff,  
Lunenburg County  
Chief John Venuti, Associate Vice President of Campus  
Safety/Chief of Police, Virginia Commonwealth University  
Police Department

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## **Crime Commission Staff**

Kristen J. Howard, Executive Director

Christina Barnes Arrington, Ph.D., Senior Methodologist  
Colin L. Drabert, Senior Staff Attorney  
Meghan R. Gaulding, Policy Analyst  
Liz K. Greenwood, Policy Analyst  
David A. Stock, Staff Attorney

Website: <http://vscc.virginia.gov>

## **Executive Summary of 2017 Activities**

In addition to a number of ongoing studies, the Crime Commission received numerous bill referrals and letter requests in 2017. Staff studied the following new issues as a result of bill referrals and letter requests: decriminalization of possession of marijuana, expansion of the DNA databank upon conviction of misdemeanor crimes, and admissibility of prior inconsistent statements of non-party witnesses as substantive evidence in criminal cases. Additionally, staff continued work on four previously authorized studies: pretrial services agencies, restitution, asset forfeiture, and the DNA Notification Project.

The Crime Commission held three meetings to review and discuss study findings on the following dates: October 30, November 29, and December 4. At its December meeting, Crime Commission members endorsed legislative and administrative recommendations on the topics of pretrial services agencies, expansion of the DNA databank upon conviction of misdemeanor crimes, admissibility of prior inconsistent statements of non-party witnesses as substantive evidence in criminal cases, and restitution.

As a result of efforts by the Crime Commission and other stakeholders, legislation was enacted during the Regular Session of the 2018 General Assembly which amended the Code of Virginia to require the following:

- Production of an annual report by the Virginia Department of Criminal Justice Services (DCJS) on the status of all pretrial services agencies across the Commonwealth;
- Submission of a DNA sample by all defendants convicted of misdemeanor assault and battery or trespassing;
- Collection of fingerprints for all defendants convicted of misdemeanor trespassing or disorderly conduct;
- Protection of the confidentiality of victims' phone numbers and email addresses in court records;
- Determination by the court of whether a defendant is in compliance with a restitution order; and,
- Implementation of procedures and practices to deliver unclaimed restitution to victims of crime more effectively.

The Crime Commission also requested that certain agencies take administrative action to address issues identified during this year's studies, including the following:

- DCJS was requested to create a stakeholder work group and internal agency processes to improve the administration of pretrial services agencies across the Commonwealth; and,
- Virginia Department of Forensic Science to update their DNA sample submission training materials to reflect current law.

Additionally, various administrative activities related to past Crime Commission studies on restitution and asset forfeiture were completed, including the following:

- Office of the Executive Secretary of the Supreme Court of Virginia assembled a group of stakeholders to address the topic of restitution and produced reports on (i) *Recommendations for the Enhancement of the Collection of Restitution* and (ii) *Best Practices for the Collection of Restitution*;
- DCJS worked with stakeholders and completed an informational brochure for victims of crime to explain the restitution process; and,
- Commonwealth's Attorneys' Services Council, Virginia Sheriffs' Institute, and DCJS sponsored an in-person training in March 2017 on *Asset Forfeiture: Law and Procedure* in Chesterfield County at no cost to over 200 participants.

In addition to these studies, the Executive Director of the Crime Commission serves on the Forensic Science Board,<sup>1</sup> Virginia Indigent Defense Commission,<sup>2</sup> and Advisory Committee on Sexual and Domestic Violence,<sup>3</sup> as mandated by the Code of Virginia.

Detailed study presentations can be found on the Crime Commission's website at <http://vscc.virginia.gov>.

## Endnotes

<sup>1</sup> VA. CODE § 9.1-1109(A)(7) (2018). The Executive Director serves as Chair of the DNA Notification Subcommittee at the designation of the Chairman of the Crime Commission.

<sup>2</sup> VA. CODE § 19.2-163.02 (2018). The Executive Director serves on the Budget Committee at the designation of the Chairman of the Crime Commission.

<sup>3</sup> VA. CODE § 9.1-116.2(A) (2018). The Executive Director serves on the Advisory Committee at the designation of the Chairman of the Crime Commission.